THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 16011 of 2007

Date:27-07-2007

Between:

G.Gopal and another .. **PETITIONERS**

AND

The Superintendent of Police, Mahaboobnagar and two others ..

RESPONDENTS

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ORDER:

The petitioners seek a writ of mandamus commanding the respondents to follow the procedure established by law protecting life, liberty and person of the petitioners as envisaged in Articles 14, 21 and 22 of the Constitution of India and to quash the F.I.R.NO.120, dated 03.07.2007 against the petitioners under Section 420 IPC r/w Section 45 of Prize Chit and Money Circulation Scheme Banning Act, 1978 on the file of the I-Town Police Station, Mahaboobnagar.

The perusal of the said F.I.R. goes to show that the petitioners have collected the amounts from several poor persons luring them that necessary loans will be sanctioned for their requirement and the said people believed the deceitful promise made by the petitioners and deposited the amounts with them. It is stated that they have not obtained any bank permission from the Reserve bank for collecting the deposits and no guarantee was given for repayment of their money. Therefore, the police registered a case in F.I.R.No.120, dated 03.07.2007 against the petitioners under Section 420 IPC r/w Section 45 of Prize Chit and Money Circulation Scheme Banning Act, 1978 on the file of the I-Town Police Station, Mahaboobnagar.

The remand case diary, dated 11.07.2007 goes to show that the petitioners have been found absconding and nearly 30 victims said to have been cheated by the petitioners have been examined

and it prima facie goes to show that the petitioners have collected deposits/subscriptions from the poor people ranging from Rs.200/- to Rs.2,00,000/- by luring them to pay interest and grant loans.

The investigation made so far by the police goes to show that the petitioners have collected the deposits of Rs.59 lakhs from various members of Mahaboobnagar, Ranga Reddy, Nalgonda and Raichur Districts and the petitioners had neither any capital nor any banking facilities to meet the commitments and that 27 cheques issued by them were not at all realized and the enquiry revealed that no such bank accounts are maintained by the petitioners. Thus, the investigating officer prima facie found that the evidence so far collected goes to show that the petitioners have committed the aforesaid offences.

When there are serious allegations against the persons, the question of taking the shelter under Articles 14, 21 and 22 as envisaged under the does not arise.

In the above circumstances, I do not see any arbitrariness or excessive action on the part of the police in continuing the investigation in this case. Therefore, there are absolutely no grounds to interfere with the investigation process. Hence, I see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed with costs.

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V.ESWARAIAH, J.

Date:27.07.2007
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